

Message Text

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ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 DHA-02 SY-05
SNM-02 DEAE-00 (ISO) W
-----250214Z 030532 /63
P 242100Z JAN 77
FM AMCONSUL MAZATLAN
TO AMEMBASSY MEXICO PRIORITY
INFO SECSTATE WASHDC PRIORITY 1048

UNCLAS SECTION 1 OF 2 MAZATLAN 0034

E. O. 11652: N/A
TAGS: CASC, MX
SUBJ: W/W (ARRESTS) REPORT TO CONGRESS UNDER PL-94-329.

REF: MEXICO 15722, STATE 294015 AND 305906.

A. TOTAL NUMBER OF INDIVIDUALS ARRESTED 6/2175-1/2:/77.
105 ARRESTED AND REPORTED TO DEPARTMENT.

B. NOTIFICATION AND ACCESS.

1. ADEQUATE NOTIFICATION AND ACCESS: 76
2. INADEQUATE NOTIFICATION AND ACCESS: 29
3. REMEDIAL MEASURES: ALL CASES OF LACK OF NOTIFICATION AND/OR ACCESS SINCE FEBRUARY 1976 HAVE BEEN VIGOROUSLY PROTESTED BOTH ORALLY AND IN WRITING TO LOCAL AUTHORITIES. IN SOME CASES WHERE UNACCEPTABLE RESPONSES WERE RECEIVED, PROTESTS WERE CARRIED TO HIGHER LEVELS. AT THE EMBASSY'S INSISTENCE THE ATTORNEY GENERAL OF THE REPUBLIC ISSUED A NOTIFICATION TO ALL FIELD OFFICES THAT CONSULS SHOULD BE NOTIFIED PROMPTLY AFTER THE DETENTION OF AN AMERICAN CITIZEN. THE ONLY OFFICIAL WHO HAS NOT ADHERED TO ATTORNEY GENERAL'S ORDER IS FEDERAL DISTRICT ATTORNEY IN MAZATLAN. HOWEVER, THROUGH CONTACTS, NEWSPAPERS, AND FREQUENT VISITS TO PRISON FACILITIES, CONSULATE MANAGES TO KEEP ABREAST OF AMERICANS TAKEN INTO CUSTODY IN MAZATLAN.

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C. VISITATION.

1. SINCE FEBRUARY 1976, ALL PRISONERS HAVE BEEN VISITED ON A MONTHLY BASIS, AND, MORE FREQUENTLY, WHEN NECESSARY DUE TO NEW ARRESTS, EMERGENCIES, COMPLAINTS OF PHYSICAL ABUSE, DELIVERY OF MONEY SENT THROUGH DEPARTMENT TRUST FUND DUE TO

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OF OTHER METHODS, ETC. IN THE OUT-OF-TOWN PRISONS -- TEPIC (0), LA PAZ (8), LOS MOCHIS (12), AND CULIACAN (8) -- ALL PRISONERS ARE SEEN ON EACH VISIT. NO PRISONER HAS DECLINED TO SEE THE CONSULAR OFFICER. IN ADDITION TO REGULAR CONSULAR VISITS, PRISONERS OUTSIDE MAZATLAN ARE VISITED BY CONSULAR CONTACTS, BOTH MEXICANS AND AMERICANS, WHO ASSIST BY PROVIDING SERVICES PENDING THE CONSUL'S REGULAR VISIT. TRAVEL AND VISITING TIME TO EACH OF THESE LOCATIONS REQUIRES MINIMUM OF THREE DAYS BY ROAD. COMMERCIAL PLANE SERVICE AVAILABLE ONLY TO LA PAZ.

2. FROM FOUR TO FIVE DAYS ARE REQUIRED TO VISIT THE 43 AMERICAN PRISONERS PRESENTLY IN THE MAZATLAN JAIL. HOWEVER, THE DELIVERY OF TRUST FUNDS, ATTENDANCE TO SPECIAL PERSONAL PROBLEMS, ETC. NECESSITATES THE CONSUL'S PRESENCE AT THE PRISON ON AN ALMOST DAILY BASIS. THESE PRISONERS SELDOM REFUSE TO SEE CONSULAR OFFICER, AND WHEN THEY DO, IT IS FOR A VALID REASON SUCH AS SICKNESS, FAMILY VISITORS OR PRISON PROJECTS WHICH CANNOT BE INTERRUPTED.

3. POSSIBILITY EXISTS THAT MONTHLY VISITS TO LOS MOCHIS, CULIACAN, AND TEPIC MAY BE INTERRUPTED IN FUTURE DUE TO LACK OF TRAVEL SECURITY IN THESE AREAS WHICH ARE HEAVILY INFESTED WITH NARCOTICS TRAFFICKERS AND BANDITS.

4. APPROXIMATELY 160 MAN-HOURS PER MONTH ARE DEVOTED TO PRISON VISITS.

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D. INNOCENCE.

CONSUL DOES NOT FEEL COMPETENT TO JUDGE GUILT OR INNOCENCE OF ANY PRISONER.

E. ABUSE AT TIME OF ARREST.

1. TOTAL ALLEGING ACTUAL PHYSICAL ABUSE 38; THREATS 7
2. TOTAL CASES WHERE ALLEGATIONS SUBSTANTIATED: 18
3. TOTAL CASES WHERE ALLEGATIONS UNSUBSTANTIATED: 17
4. TOTAL CASES WHERE NO CONCLUSION CAN BE REACHED: 3
5. OF THE 18 CASES ALLEGING PHYSICAL ABUSE, 13 WERE PROTESTED BY THE CONSUL ON THE SPOT ORALLY TO THE ARRESTING OFFICIALS AND WITH FEW EXCEPTIONS WERE FOLLOWED BY A WRITTEN PROTEST TO APPROPRIATE OFFICIALS. IN SUBSTANTIATED CASES IN WHICH AN UNSATISFACTORY REPLY WAS RECEIVED TO OUR PROTESTS, THE MATTER WAS DOCUMENTED AND FORWARDED TO THE EMBASSY FOR PROTEST AT HIGHER LEVEL. IN THE REMAINING 5 CASES, THE INDIVIDUALS REQUESTED THE CONSUL TO REFRAIN FROM PROTESTING DUE TO ADVERSE EFFECT OF PROTEST ON PENDING COURT ACTIONS. IN TWO CASES IN

WHICH CONSUL WAS ABLE ADEQUATELY DOCUMENT PHYSICAL ABUSE, INDIVIDUALS WERE SUBSEQUENTLY ABSOLVED OF ALL CHARGES AND RELEASED. FEDERAL JUDGE LATER INFORMED CONSUL THAT REASON FOR RELEASE WAS THAT PHYSICAL ABUSE WAS SUBSTANTIATED WITH PRIVATE PHYSICIAN'S CERTIFICATE AND CONSUL'S AND EMBASSY'S PROTESTS. CITED REASON FOR RELEASES WAS "CONFESSION UNDER DURESS".

F. ILLEGAL SEIZURE OF POSSESSIONS.

1. TOTAL ALLEGING SEIZURE OF POSSESSIONS: 24(#)
2. TOTAL SUBSTANTIATED CASES: 12
3. TOTAL UNSUBSTANTIATED CASES: 3
4. TOTAL CASES WHERE NO CONCLUSION CAN BE REACHED: 9
5. REMEDIAL ACTION: IN CASES WHERE PRISONERS WERE UNABLE TO RECOVER COMFORT ITEMS SUCH AS BLANKETS AND CLOTHING FOR USE IN PRISON, VIGOROUS ORAL AND WRITTEN PROTESTS WERE MADE TO THE APPROPRIATE AUO HORITIES.

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INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 DHA-02 SY-05
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-----250204Z 030188 /63

P 242130Z JAN 77

FM AMCONSUL MAZATLAN
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NET RESULT OF THESE PROTESTS WAS THAT CONSULAR OFFICER HAS BEEN PERMITTED ACCESS TO VEHICLES OF ARRESTEES IN PRESENCE OF ARRESTING AUTHORITIES TO RECOVER CERTAIN PERSONAL POSSESSIONS. HOWEVER, THERE IS NO WAY OF KNOWING HOW MANY ITEMS WERE PURLOINED BEFORE CONSULAR OFFICER IS BROUGHT INTO PICTURE.

THERE MAY BE OTHER CASES IN WHICH PRISONERS WILL NOT RECEIVE ALL POSSESSIONS THEY ASSUME ARE BEING HELD BY COURT.

THE FIGURE DOES NOT INCLUDE CARS, TRUCKS, AIRPLANES, OR BOATS WHICH MOST PRISONERS HAD AND WILL NOT BE RETURNED.

G. EXTORTION BY ATTORNEYS.

1. TOTAL ALLEGATIONS OF EXTORTION: 22
2. TOTAL SUBSTANTIATED CASES: 12

3. TOTAL UNSUBSTANTIATED CASES: 5
4. TOTAL CASES WHERE NO CONCLUSION CAN BE REACHED: 5
5. REMEDIAL ACTION: ATTORNEYS IN THIS CATEGORY ON THE CONSULATE'S ATTORNEY'S LIST WERE IMMEDIATELY REMOVED. PROTESTS IN SUBSTANTIATED CASES WERE MADE TO JUDGE WHO REPRIMANDED ATTORNEYS FOR INADEQUATE PERFORMANCE AND/OR EXTORTION. RESULTS WERE THAT EITHER PERFORMANCE WAS IMPROVED OR ATTORNEY WAS DISMISSED FROM CASE. IN SOME CASES IN WHICH RECEIPTS WERE AVAILABLE LEGAL FEES WERE RECOVERED WHEN, ON CONSUL'S COMPLAINT, THE ISSUE WAS FORCED BY THE JUDGE. MANY PRISONERS ARE NOW ATTORNEY SHY AND RELY ON PUBLIC DEFENDER.
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H. ABUSE IN PRISON.

1. ALLEGATIONS: 14
2. ALLEGATIONS SUBSTANTIATED: 6
3. ALLEGATIONS UNSUBSTANTIATED: 2
4. TOTAL CASES, NO CONCLUSION REACHED: 6
5. THE PRISON IS ADMINISTRATIVELY OPERATED BY A GROUP OF PRISONERS KNOWN AS THE "COMMISSION".

THE CONSUL, BY ESTABLISHING HERETOFORE NON-EXISTENT COMMUNICATIONS WITH THE PRISON "COMMISSION", CAUSED A RELAXATION OF MANY UNFAIR AND HARSH REGULATIONS WHICH WERE BEING PRACTICED AGAINST THE AMERICAN PRISONERS. A SICK CALL SYSTEM WAS ESTABLISHED, AND PRISONERS WERE GRANTED PERMISSION TO USE NON PRISON MEDICAL AND DENTAL PERSONNEL WHEN DESIRED. AT CHRISTMAS 1976 THE ENTIRE GROUP OF AMERICANS WAS PERMITTED TO ASSEMBLE IN ONE AREA OF THE PRISON TO PARTAKE OF A CHRISTMAS DINNER SUPPLIED BY THE CONSULATE AND TO PARTICIPATE IN CHURCH SERVICES PROVIDED BY A CLERIC FATHER OF ONE OF THE PRISONERS. THIS TYPE OF FRATERNIZATION WAS PREVIOUSLY UNKNOWN, AND PRISONERS WERE FORCED TO ADHERE TO CERTAIN LOCATIONS WITHIN THE PRISON. THE SEPARATION OF PRISONERS, NECESSITATED THROUGH OVERCROWDING, LEFT ONE SIDE OF THE PRISON WITHOUT AN EXERCISE YARD. THE CONSUL WAS ABLE TO NEGOTIATE WITH THE COMMISSION SO THAT THOSE DEPRIVED OF EXERCISE COULD UTILIZE THE YARD ON PREPARED SCHEDULES.

I. PROLONGED DETENTION WITHOUT JUDGEMENT.

1. TOTAL DETAINED BEYOND ONE YEAR: 5
2. TOTAL DELAYED BY DELIBERATE AND WILLING DEFENSE TACTICS: 1
3. TOTAL DELAYED FOR NO ACCEPTABLE REASON: 4
4. THE FOUR PERSONS WHO HAVE NOT BEEN SENTENCED FALL WITHIN THE JURISDICTION OF THE FEDERAL JUDGE IN CULIACAN, WHO IS IN THE PROCESS OF ESTABLISHING A NEW COURT AND HAS BEEN UNABLE TO FIND COMPETENT, TRAINED PERSONEL WILLING TO EXPOSE THEMSELVES TO THE HAZARDS OF LIVING IN THE AREA AND SUFFERING POSSIBLE RETRIBUTION FROM RENDERING SENTENCES AGAINST NARCOTICS
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TRAFFICKERS. IN ADDITION TO THE EVER INCREASING WORKLOAD, ATTRIBUTED TO THE HIGH CRIME FIGURES FOR THE AREA, THE JUDGE HAS HAD TO CONTEND WITH RENDERING OVERNIGHT SOLUTIONS TO THE RECENT SINALOA LAND PROBLEMS.

THE JUDGE IS VERY SYMPATHETIC AND UNDERSTANDING OF THE NECESSITY FOR SENTENCING THESE LONG OVERDUE AMERICAN PRISONERS. HOWEVER, HE SIMPLY IS UNABLE TO COPE WITH THE SITUATION. DURING THE CONSUL'S MONTHLY CALLS ON THE JUDGE HE ALSO CITED POOR PREPARATION OF CASES BY ATTORNEYS AS ONE OF THE REASONS FOR DELAY, BUT CERTAINLY NOT THE MAIN REASON.

5. IN THE MAZATLAN CONSULAR DISTRICT, THE TREND IS TOWARDS FEWER ARRESTS AND THE ELIMINATION OF THE GESTAPO-LIKE METHODS OF INTERROGATION. PRISONERS REPORT THAT THEY HAVE BEEN GIVEN BEER TO DRINK DURING QUESTIONING, AND SOME HAVE BEEN RELEASED WITH QUANTITIES OF MARIHUANA THAT HERETOFORE WOULD HAVE RESULTED IN FIVE YEAR SENTENCES. IT APPEARS THAT ORDERS HAVE BEEN ISSUED FOR THE IMPROVEMENT OF THE MEXICAN IMAGE IN THE ARREST AND TREATMENT OF AMERICANS. ALSO, THE MOST CURRENT TREND IS TO SPEED UP THE SENTENCING OF AMERICAN PRISONERS OSTENSIBLY SO THEY CAN MORE READILY PARTICIPATE IN THE TRANSFER OF SANCTIONS PROGRAM.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
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Decaption Note:
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Disposition Approved on Date:
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Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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From: MAZATLAN
Handling Restrictions: n/a
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Office: ACTION SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 MEXICO 15722, 77 STATE 294015
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3522643
Secure: OPEN
Status: NATIVE
Subject: W/W (ARRESTS) REPORT TO CONGRESS UNDER PL-94-329.
TAGS: CASC, MX
To: SCS MEXICO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/aa1f2bd2-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009